IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2562 OF 2005

Dev-Yog Builders Pvt. Ltd. ...Petitioner.
Vs.
Sub Registrar of Assurances & Ors. ...Respondents.
....
Mr. S. D. Patil for the Petitioner.
Mr.V. P. Malvankar, AGP for the Respondents.
.....

CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

August 8, 2005.

P.C.:

Heard Counsel for both sides.

The Learned AGP fairly conceded that the Scheme in question was sanctioned in respect of Survey No.482 i.e. New Survey No.104 and the letter of sanction was issued prior to the Government Resolution dated 16th January 1996. The Learned AGP has placed on record a copy of the letter from the Superintendent, Land Records, Thane, along with the map drawn by the Survey Officer.

The Government Resolution dated 15th January 1996 makes it clear that its operation is prospective and will apply to the

scheme sanctioned thereafter. The GR is thus clearly not applicable in the facts and circumstances of the present case.

In the circumstances, the petition is allowed. Respondent No.1 is directed to consider the documents submitted by the Petitioner in respect of building constructed in Survey No.482 i.e. New Survey No.104 which is wrongly mentioned in the petition as Survey No.105, for registration without taking any objection on the basis of GR dated 15th January 1996.

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